

REMARKS

Claims 6-8, 9, 10, 12, 13, 16 and 17 are pending. Claims 2-5, 11, 14, 15 and 18-22 have been cancelled.

Claim 6 has been amended to recite that the vaccine contains a pharmaceutically acceptable carrier, vehicle or adjuvant, page 48, lines 16-18 and page 48, lines 23 through page 49, line 2.

Claims 9, 12, 16 and 17 have been rewritten in independent form. Since the only outstanding rejection against claims 9, 10, 12, 13, 16 and 17 was that they depended from a rejected claim, these claims should now be in condition for allowance.

No new matter is added by this amendment. Applicant submits that no new search is required by this amendment.

In view of this amendment, applicant respectfully requests allowance of this application.

Claims 6-8 have been rejected under 35 USC 102(b) as being anticipated by Eisenberg et al, WO 01/35317.

Eisenberg describes only in silico tests of sequences which are essential for growth. These sequences are described as potential targets for a drug. There is no teaching of the use of these sequences in an immunogenic composition or therapeutic fragment.

Applicant believes that the present amendment, which provides for a second component in the vaccine, *i.e.*, a pharmaceutically acceptable carrier, vehicle or adjuvant, renders claims 6-8 novel and nonobvious over Eisenberg.

Reconsideration and withdrawal of this rejection is requested.

Applicants respectfully request that the present application be permitted to pass to issue.

Appln 10/617,038
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July 17, 2006

No additional claim fees should be required, as the present amendment will provide no more than 5 independent claims and 22 total claims, as had been previously paid for in this application. Please charge any deficiency in the fee to our deposit account number 08-3040.

Respectfully Submitted,
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